



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
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Marsha S. McLaughlin, Director

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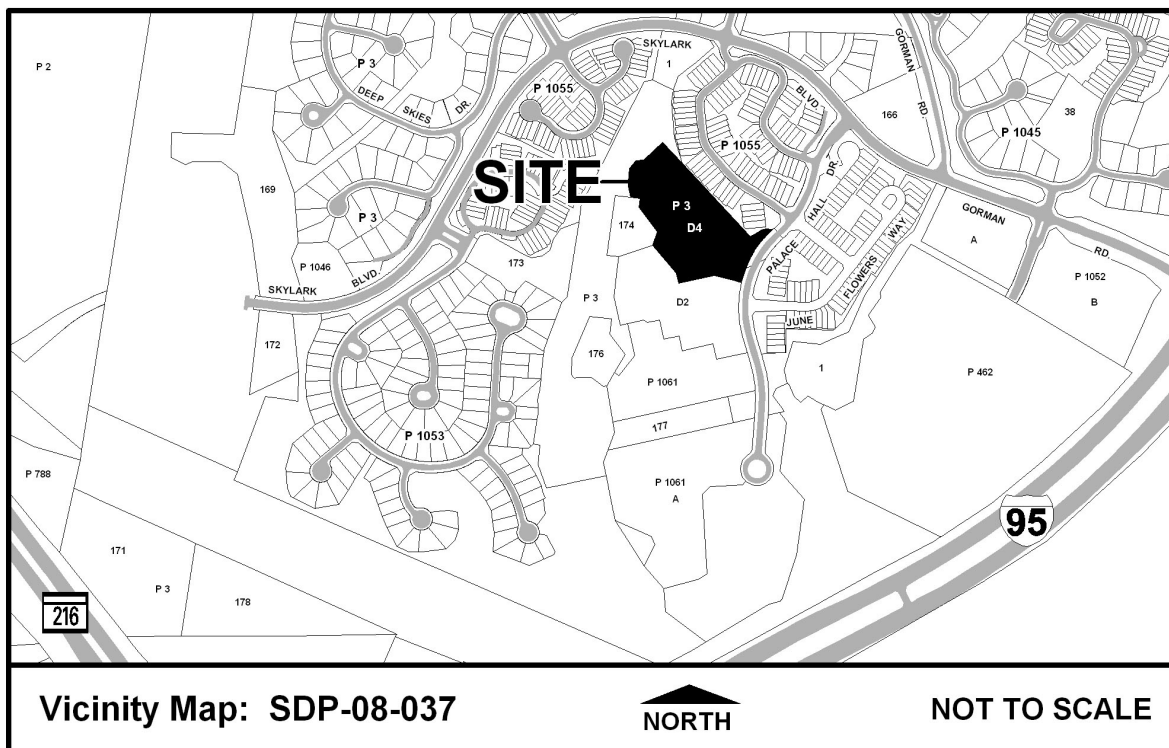
**TECHNICAL STAFF REPORT**  
**EMERSON**  
**Planning Board Meeting of May 8, 2008**

**File No./Petitioner:** SDP- 08- 37, Miller and Smith Homes, Inc.

**Project Name:** Emerson, Section 2, Phase 3, Lots 1 thru 45, SFA Dwelling Units

**Request:** The request is for approval of a site development plan (SDP) for the construction of 45 single family attached (SFA) dwellings and other related site improvements in accordance with Section 127.F.1 of the Howard County Zoning Regulations. The applicant is also requesting approval to reduce the setback requirement from the side property line from 5 feet to 2, 3 or 4 feet for decks and/or covered porches on end townhouse units. The Planning Board reserved the authority to review and approve site development plans for "Single Family Attached" and "Other Residential" land use development for the Emerson project when structures deviate from the required minimum setbacks in accordance with the Development Criteria approved under PB Case Nos. 339 and 359. The project area for this SDP is approximately 4.65 acres of the 516.9 acre total tract area for the Emerson project and is zoned "MXD-3" (Mixed Use Development).

**Location:** The SFA dwellings will be located on the west side of Palace Hall Drive approximately 700 feet south of Skylark Boulevard, identified as Parcel D-4 on Tax Map 47, Grid No. 8 in the Sixth Election District of Howard County, Maryland.



**Vicinal Properties:**

This site is surrounded by the following properties:

**North Side** - To the north is Emerson, Section 2, Phase 2 developed with 89 existing SFA dwelling units constructed under approved SDP-03-146.

**East Side** - Located to the east is Palace Hall Drive and further east is Emerson, Section 2, Phase 6A, presently under development for 41 SFA dwelling units being constructed under approved SDP-06-90.

**South Side** - Located to the south is an undeveloped area of the Emerson project, Section 2, Phase 3 proposed for 39 future SFA dwelling units.

**West Side** - To the west are recorded Open Space Lots 174 and 230 dedicated to the Emerson Homeowner's Association and containing a forested tributary system that flows to the Hammond Branch.

**Relevant Site History:**

- **ZB Case No. 979M** for the establishment of the Emerson (Key Property) MXD Preliminary Development Plan and Development Criteria approved September 3, 1998.
- **PB Case No. 339**, Comprehensive Sketch Plan (CSP) and Development Criteria approved by the Planning Board on July 1, 1999.
- **S-99-12**, Sketch Plan for the entire Emerson (Key Property) MXD project received signature approval from DPZ on September 1, 1999.
- **PB Case No. 359**, Amended Comprehensive Sketch Plan approved by the Planning Board on May 2, 2002. The amended CSP was limited to a revision of the annual development phasing chart relating to the time sequence for completion of the East and West Loop Road connections for the project.
- **SP-06-05**, Preliminary Equivalent Sketch Plan to establish Emerson, Section 2, Phases 3 and 5B, for the resubdivision of Parcels "AA-1", "D-3" and "D-4" received signature approval on August 1, 2006.
- **F-07-169**, Final Plan for a resubdivision of Parcel "D-4" to establish Lots 1 thru 45 and Open Space Lots 46 thru 50 for the subject property was determined technically complete by the SRC on January 7, 2008.

**Legal Notice:**

The subject property was properly posted with one (1) official Planning Board notice located at the site entrance on Palace Hall Drive with the date, time and place of this meeting for 15 consecutive days prior to this public meeting as verified by DPZ staff.

**Site Analysis:**

This SDP has been evaluated for compliance with the approved Emerson Development Criteria and the "MXD-3" Zoning Regulation requirements.

**Site Improvements** - This SDP proposes the construction of 45 SFA residential dwelling units and other related site improvements. A total of 104 parking spaces is required for these units (45 units x 2 spaces each = 90 spaces + 0.3 spaces per unit for overflow and visitors = 14 spaces). There are 180 parking spaces located within the two car garages and their driveways for each unit with an additional 14 spaces provided as common on-street parking spaces for a project total of 194 provided parking spaces. The maximum mean height requirement for SFA residential dwelling units per the Emerson Development Criteria is 50 feet. The proposed SFA units have a mean height of approximately 37 feet.

**Storm Water Management (SWM)** - Storm water management for this project is provided in existing SWM facilities constructed under Final Plans, F-02-55 and F-04-127.

**Environmental Considerations** - There are no 100 year flood plain, wetlands, streams or buffers located within the residential lots. However, there is a flood plain, intermittent stream and 50' stream buffer located nearby in adjacent Open Space Lot 230, but this project does not disturb those environmental features or buffers.

**Landscaping** - The Landscape Plan for this project complies with the alternative compliance provision of the Howard County Landscape Manual and the Emerson Landscape Design Criteria requirements approved under the CSP, S-99-12. The General Growth Properties (GGP) Architectural Review Committee approved the proposed landscaping plan for this project in a letter dated November 5, 2007 (a copy of the approval letter is attached with this staff report).

**Forest Conservation** - This project previously addressed the forest conservation requirements of Section 16.1200 of the Howard County Code under the processing of Final Plans, F-05-49 and F-07-169.

**Adequate Public Facilities** - This project passed the tests for road adequacy and open schools under the processing and approval of the CSP, S-99-12.

**Development Criteria** - This SDP requires approval from the Planning Board for setback adjustments of the required Emerson Development Criteria approved under S-99-12 and PB Case Nos. 339 and 359, as follows:

**Setback Requirements:**

The following minimum setbacks are required by the Emerson Development Criteria:

- Front Setback - 5 feet from the right-of-way or property line to the house or garage.
- Side Setback - 5 feet from the property line for end units.
- Rear Setback - 15 feet from the property line.
- Between Structures - The minimum setback spacing distance between SFA units is 30 feet for front to front orientation, 50 feet for back to back or front to back orientation and 15 feet for all other orientations.
- Section 128 of the Howard County Zoning Regulations allows porches or decks, open or enclosed to project not more than 10 feet into the front or rear yard setback for all residential zoning districts, except New Town.

**Requested Setback Adjustments:**

The applicant is requesting a reduction of the side setback from 5 feet to 4 feet for proposed rear elevated decks and from 5 feet to 2 feet for proposed side porches attached to the SFA dwellings for End Units 1, 5, 10, 16, 21, 28, 33, 34, 39, 40 and 45 and from 5 feet to 3 feet for the proposed rear elevated deck and from 5 feet to 4 feet for the side porch for End Unit 15.

**Planning Board Criteria for Adjustments to Bulk Requirements:**

The proposed adjustments to the Emerson Development Criteria can be granted by the Planning Board if the following three criteria items of Section 127.F.4.d. of the Zoning Regulations are satisfied:

**1. The adjustment is in harmony with the purpose of the MXD District.**

The proposed setback adjustments are in harmony with the purpose for the MXD Zoning District to allow design flexibility for a planned community compatible with surrounding neighborhoods and protective of the environment. The proposed residential dwellings are sited for compliance of all required building setbacks except for the side porch and rear deck projections for the end units. The applicant notes in their support of this setback request that the site development plan has received approval from the GGP Architectural Committee (see attached letter).

**2. The adjustment will not alter the essential character of the neighborhood or district, will not impair the appropriate use or development of adjacent property and will not be detrimental to the public welfare.**

The location for the proposed decks and covered porches on the end dwelling units will not alter the essential character of the neighborhood or district, will not impair the use or development of adjacent properties and will not be detrimental to the public welfare because the proposed house types will be similar in size and location with the proposed surrounding development. The side building setback adjustments for the end units are essential to accommodate the proposed house type with a side architectural entry feature and to provide a side porch and rear deck for each unit. The proposed house foundations comply with all setback requirements of the Emerson Development Criteria. The covered porches are poured slabs and are not part of the building foundations.

**3. The adjustment is needed due to practical difficulties or unnecessary hardships which arise in complying strictly with the Development Criteria or results in a better design than would be allowed by strict compliance with the Development Criteria.**

The purpose for the setback adjustments for the end units is to maintain a consistent architectural style house type throughout the entire project similar to the inside units. The proposed house model type for this project has a unique shape which creates the practical difficulties and unnecessary hardships for complying strictly with the Development Criteria to accommodate decks and covered entry porches for the end townhouse units. The end unit lots are designed to abut HOA open space lots to allow sufficient space between the end units for pedestrian access to the rear portion of the townhouse units for maintenance purposes if necessary.

**Planning Board Criteria:**

This SDP is in compliance with the five Planning Board criteria requirements of Section 127.F.2 of the Howard County Zoning Regulations as follows:

**1. Is consistent with the approved Preliminary Development Plan (PDP), Comprehensive Sketch Plan (CSP) and Development Criteria.**

The site design for the proposed SFA residential dwellings and associated site

improvements are consistent with the approved PDP, CSP and Development Criteria requirements approved for the Emerson project.

**2. Satisfies the applicable requirements of Section 127.E.3.**

This SDP satisfies the applicable requirements of Section 127.E.3 of the Zoning Regulations which describes the Planning Board's approval decision of the CSP and the Development Criteria. The Planning Board approved the CSP and Development Criteria for the Emerson project under PB Case No. 339 on July 1, 1999.

**3. Makes effective use of landscaping to provide buffers where needed and to enhance the site design.**

The home builder proposes to install landscaping for each of the SFA lots at or above what is mandated by the approved PDP, CSP, the Landscape Manual and the Emerson Landscape Design Criteria. (a copy of the GGP landscape approval letter is attached to this report). Therefore, together with the required streetscape planting along the public streets, the site design for the SFA lots will be enhanced with the planting of a variety of shade, flowering and evergreen trees throughout the project to create an attractive landscaped environment for the community.

**4. Provides squares, plazas or other useable landscaped areas within apartment developments, office developments or focal points.**

This SDP will provide the landscaping and other site amenities including street lighting, street trees and sidewalks as part of the development of these housing units. The main focal point and other useable landscaped areas will be provided in accordance with the approved PDP, CSP and other approved or future site plans for this project.

**5. Implements the pedestrian circulation system for the MXD Use Development.**

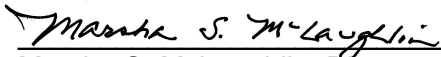
This SDP in conjunction with approved final road construction plans and other approved or future SDP's will provide the pedestrian circulation system including sidewalks, pathways and crosswalks for the Emerson project. Sidewalks will be provided on both sides of all public streets adjacent to the proposed townhouse units in accordance with approved final plans and this SDP.

**SRC Action:**

On March 14, 2008, the Subdivision Review Committee (SRC) determined that this SDP is approvable, subject to compliance with their comments. The remaining SRC comments primarily address the need to make minor drafting revisions to general notes and the SDP is subject to the recording of the final subdivision plat, F-07-169 to establish the residential building lots for this project prior to signature approval by DPZ.

**Please note that this file is available for public review at the Department of Planning and Zoning's public service counter, Monday through Friday, 8:00 a.m. to 5:00 p.m.**

**Recommendation:** The Department of Planning and Zoning recommends approval of this SDP.

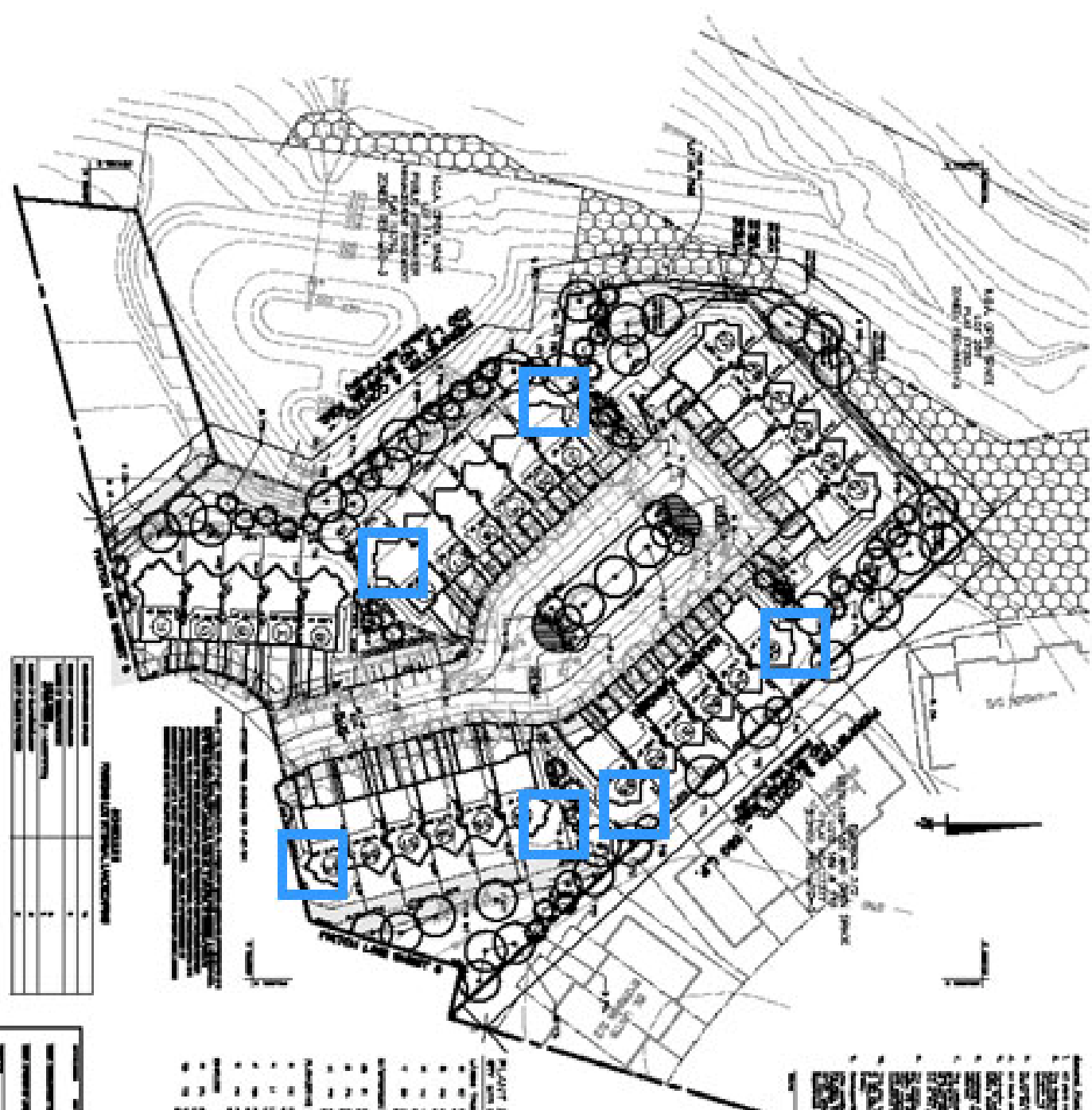
  
Marsha S. McLaughlin, Director  
Department of Planning and Zoning

05/05/08  
Date



# AERIAL VIEW





**GENERAL NOTES**

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE ORDINANCES.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE DEVELOPER SHALL MAINTAIN THE EXISTING UTILITIES AND STRUCTURES ON THE SITE.
5. THE DEVELOPER SHALL MAINTAIN THE EXISTING LANDSCAPING AND PLANTINGS ON THE SITE.

**PROJECT INFORMATION**

PROJECT NAME	1234567890
PROJECT ADDRESS	1234567890
PROJECT CITY	1234567890
PROJECT STATE	1234567890
PROJECT ZIP	1234567890

**DATE**

DATE	12/31/2023
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**PLANT LIST**

PLANT NAME	QUANTITY	SIZE	NOTES
1. PACIFIC COAST DOGWOOD	10	12"	
2. PACIFIC COAST DOGWOOD	10	12"	
3. PACIFIC COAST DOGWOOD	10	12"	
4. PACIFIC COAST DOGWOOD	10	12"	
5. PACIFIC COAST DOGWOOD	10	12"	
6. PACIFIC COAST DOGWOOD	10	12"	
7. PACIFIC COAST DOGWOOD	10	12"	
8. PACIFIC COAST DOGWOOD	10	12"	
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**LANDSCAPE PLAN**

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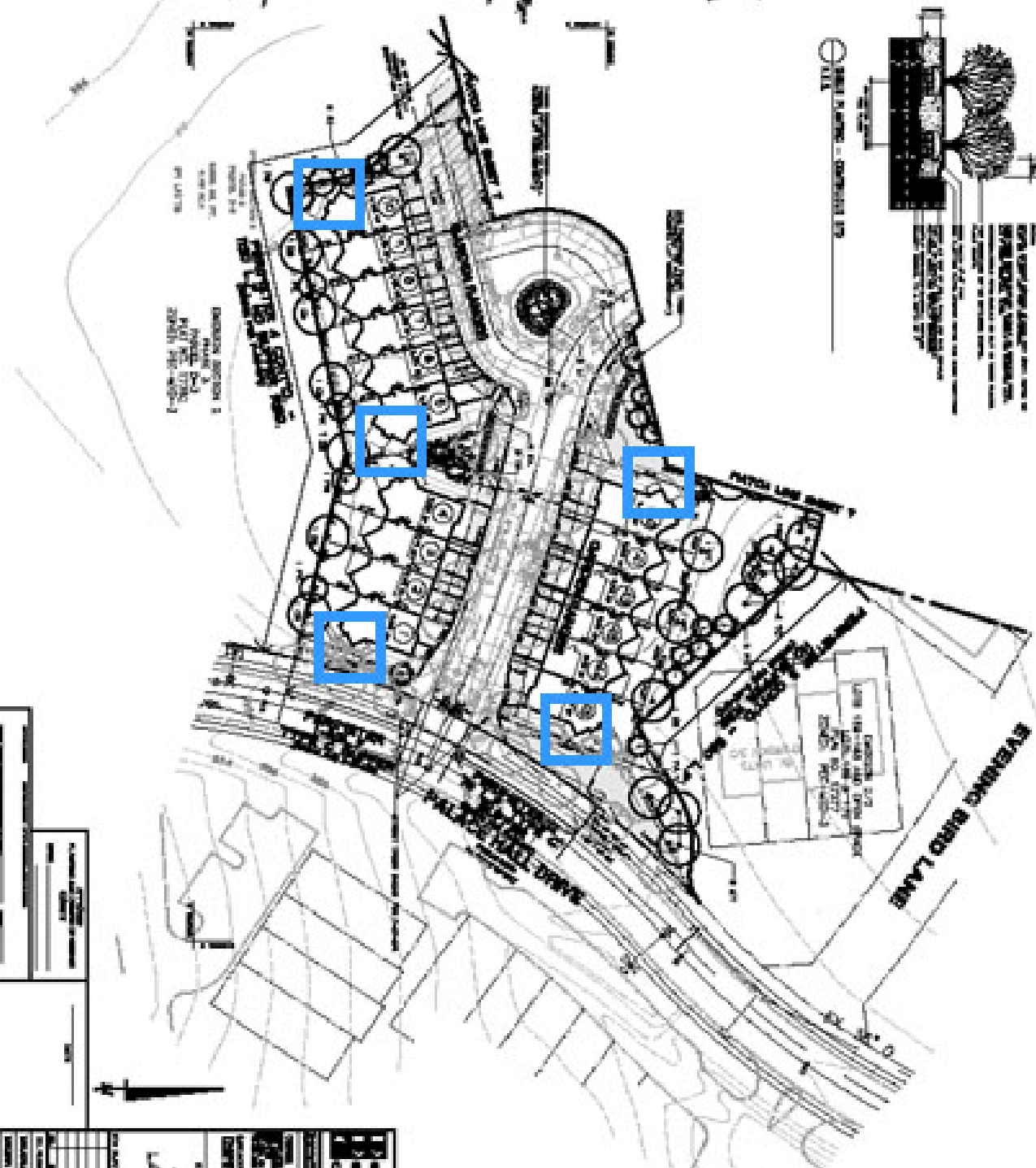
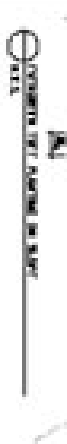
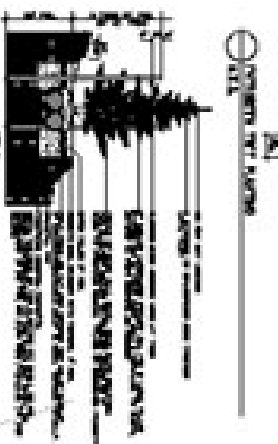
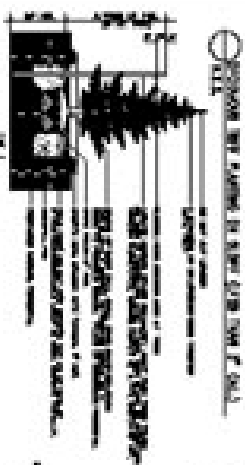
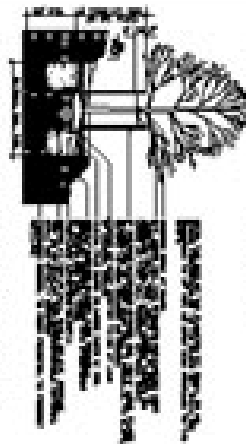
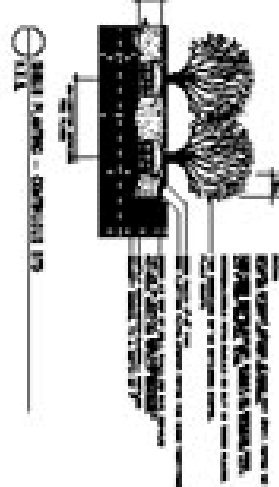
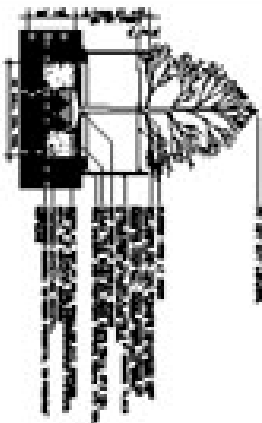
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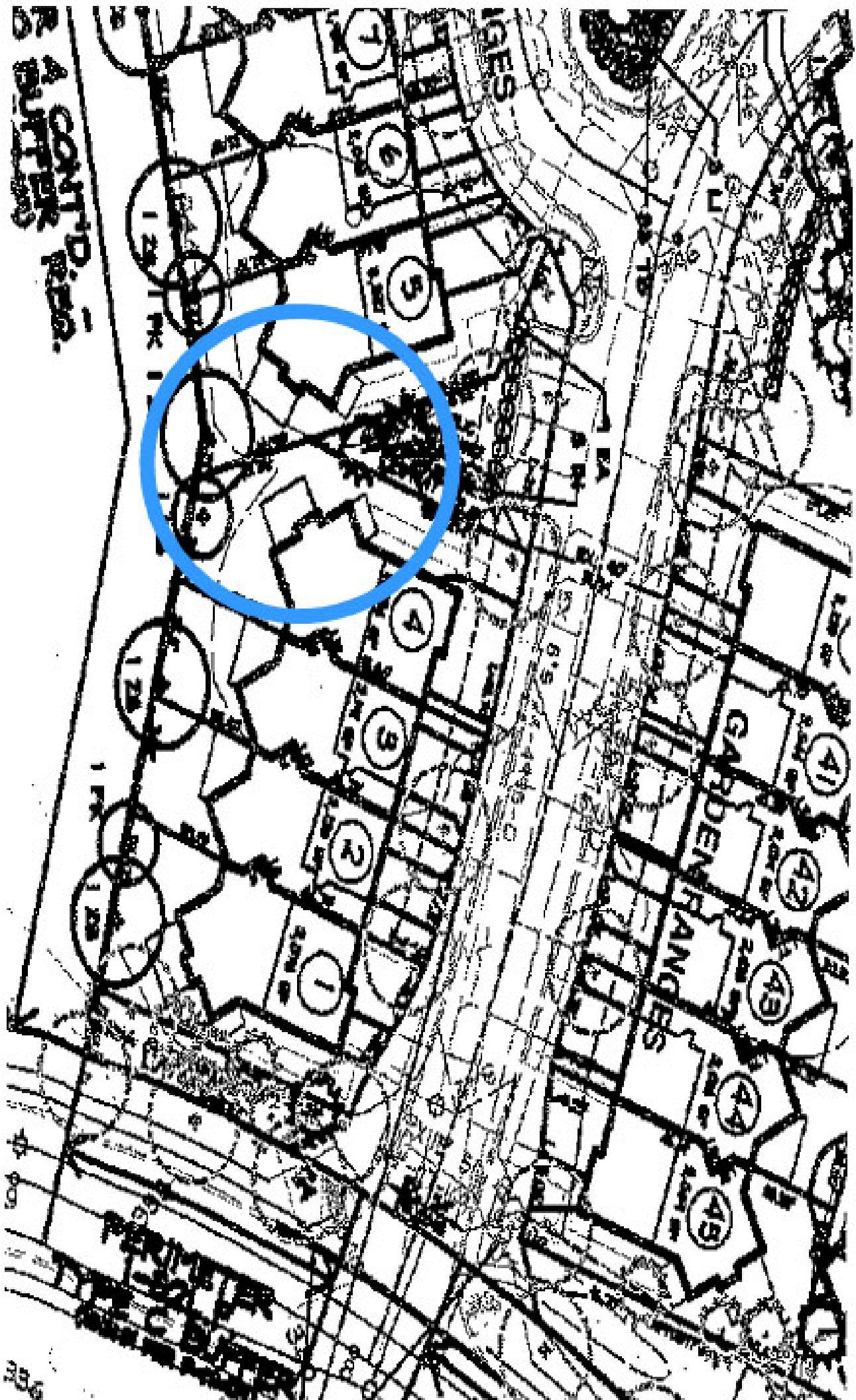


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**Abstract**

**LANDSCAPE PLAN**





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R. 4/1/50  
R. 4/1/50

# TYPICAL HOUSE MODEL ELEVATION



# **PLANNING BOARD ADJUSTMENT CRITERIA**

- **1. The adjustment is in harmony with the purpose of the MXD District.**
- **2. The adjustment will not alter the essential character of the neighborhood or district, will not impair the appropriate use or development of adjacent property and will not be detrimental to the public welfare.**
- **3. The adjustment is needed due to practical difficulties or unnecessary hardships which arise in complying strictly with the Development Criteria or results in a better design than would be allowed by strict compliance with the Development Criteria.**

# **PLANNING BOARD APPROVAL CRITERIA FOR MXD ZONE**

- **1. Is consistent with the approved PDP, CSP and Development Criteria.**
- **2. Satisfies the applicable requirements of Section 127.E.3.**
- **3. Makes effective use of landscaping to provide buffers where needed and to enhance the site design.**
- **4. Provides squares, plazas or other useable landscaped areas within apartment developments, office developments or focal points.**
- **5. Implements the pedestrian circulation system for the MXD Use Development.**

# HOUSE MODEL ELEVATION





The Architectural Review Committee  
c/o The Howard Research and Development Corporation  
Columbia, Maryland 21044-3456

RECEIVED

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06127.3

## Notice of Completion Of Architectural Review Committee Action

Request Number: EMR1005095728  
Action Date: 11/05/2007

Submission Date: 10/05/2007  
Reviewed By: Wigand H. Theimer

Owner: Miller & Smith Homes  
8401 Greensboro Dr. Suite 300  
McLean, VA 22102

**Return Review To:**

DeMario Design Consultants Inc.  
192 E. Main Street  
Westminster, MD 21157

cc: 9850 Palace Hall Drive  
Laurel, MD 20723

**Location:**

Emerson Two

**County:**

Howard County

Phase	EMR	Part	2	Block	3	Lot	D-4	Lot
Village		Section		Area		Parcel		

Project Abbreviation: EMR  
Project Description: Final Site and Landscape

Action Taken: Approved with Comments

Pending Issues: ☐ Yes ☒ No

**Comments:**

Site Plan Comments:

1. On the Final Site Plan Submission, please show the required min 2' building offsets at the front building elevations to provide articulation and visual relief.
2. Provide slight +/- 2' high mounds in the Street Islands.

Landscape Plan Comments:

1. On the Final Plans please show how any exposed utilities are to be screened.
2. Please submit shrub foundation plantings for each unit.
3. To the extent possible, consider introducing a few flowering trees into the streetscape.

**Owner Next Step:** Submit Final Site & Landscape Plans

Wigand H. Theimer  
Member - Architectural Committee

This document acknowledges that the above referenced property has been reviewed pursuant to guidelines set forth by The Howard Research and Development Corporation's Architectural Review Committee. In the event that this property may also be subject to association covenants and/or restrictions as well as regulations mandated by local/state governmental agencies, the property owner(s) must obtain all necessary approvals to ensure compliance within all applicable jurisdictions.